

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

JOSHUA ADAM SCHULTE,	X	
	:	
Plaintiff,	:	<u>ORDER</u>
	:	20 Civ. 2795 (PGG) (GWG)
-v.-	:	
BUREAU OF PRISONS, et al.,	:	
Defendants.	:	

---

**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

Plaintiff was instructed on June 29, 2020, that he must file an amended complaint naming the previously unknown defendants within 30 days of learning their identities. See Order, dated June 29, 2020 (Docket # 9). He was reminded of the obligation on July 6, 2020. See Memorandum Endorsement, dated July 6, 2020 (Docket # 12). The Government supplied the identities of the unknown defendants on October 28, 2020. See Letter from Kirti V. Reddy, dated October 28, 2020 (Docket # 20). Plaintiff did not timely file the amended complaint, however. In two separate orders since that time, plaintiff has been given new deadlines to file the amended complaint. See Order, dated December 2, 2020 (Docket # 22); Order, dated January 25, 2021 (Docket # 23). He has missed the latest deadline of February 16, 2021.

Nonetheless, the Court will extend the deadline one more time. If plaintiff wishes to proceed with this case, he must file an amended complaint naming the newly-identified defendants on or before March 23, 2021. Attached to this Order is the Government's Letter identifying the previously unknown defendants. The plaintiff is reminded that the amended complaint will replace, not supplement the original complaint, and thus the amended complaint must allege all relevant facts and name all proper defendants. Plaintiff is warned that if he fails to file an amended complaint by March 23, 2021, his case may be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Finally, the Court is in receipt of the Government's response to plaintiff's claims regarding delays or non-receipt of legal mail. See Letter from Kirti V. Reddy, dated March 1, 2021 (Docket # 29). The Court is hopeful that there will be no delays in the future.

The Clerk is requested to mail a copy of this Order to the plaintiff.

SO ORDERED.

Dated: March 2, 2021  
New York, New York



GABRIEL W. GORENSTEIN  
United States Magistrate Judge



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

86 Chambers Street  
New York, New York 10007

October 28, 2020

Hon. Paul G. Gardephe  
United States District Judge  
United States District Court  
40 Foley Square  
New York, New York 10007

**Re: *Schulte v. BOP, 20 Civ. 2795 (PGG)***

Dear Judge Gardephe:

I write respectfully on behalf of the federal defendant (“the Government”) in response to the Court’s order dated June 29, 2019, directing the Government to provide to Plaintiff, who is appearing *pro se*, the identity of the individuals who were involved in an incident that allegedly occurred on March 8, 2020, at the Metropolitan Correctional Center. (ECF No. 9). I write respectfully to inform the Court that the following Bureau of Prisons officers were involved on March 8, 2020, in escorting Plaintiff from his cell, to the receiving and discharge area, and back to his cell: (1) Jamey Welch, (2) Michael Getchey, (3) Mark Burns, (4) Timothy Valentine, (5) John Barrett, (6) Brian Thioway, and (7) Michael Sinkvich. All of the individuals are employed with the U.S. Bureau of Prisons, and they are stationed the Federal Correctional Institution, Schuylkill, Interstate 91 and 901W, Minersville, Pennsylvania 17954.

The Government believes that there may be one additional individual who was involved on March 8, 2020, in escorting Plaintiff from his cell, to the receiving and discharge area, and back to his cell. To date, however, the Government has unable to identify that individual. The Government will promptly inform the Court and Plaintiff, should it learn the identity of that individual.

We thank the Court for its consideration of this matter.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney  
Southern District of New York

By: /s/  
KIRTI V. REDDY  
Assistant United States Attorney  
Telephone: (212) 637-2751  
Facsimile: (212) 637-2786  
E-mail: kirti.reddy@usdoj.gov

cc: (via first class mail)  
Joshua Schulte  
No. 79471-054  
MCC New York  
150 Park Row  
NY, NY 1007